

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 91-104 are pending in the application, with claim 91 being the independent claim. Claims 1-90 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 91-104 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejection under 35 U.S.C. §101

Claims 1-5, 9, 14-20 and 25-28 have been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as all of the claims of U.S. Appl. No. 09/867,983 (corresponding to U.S. Pat. No. 6,617,557). Applicants respectfully traverse this rejection.

Claims 1-5, 9, 14-20 and 25-28 have been canceled thus rendering moot this basis for rejection. Moreover, new claims 91-104 do not represent the same invention as claimed in U.S. Pat. No. 6,617,557. Withdrawal of the rejection is respectfully requested.

Rejection for Obviousness-type Double Patenting

Claims 1-5, 9, 14-20 and 25-28 have been provisionally rejected under 35 U.S.C. § 101 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the pending claims of U.S. Appl. No. 09/867,983 (corresponding to U.S. Pat. No. 6,617,557). Applicants respectfully traverse this rejection.

Claims 1-5, 9, 14-20 and 25-28 have been canceled thus rendering moot this basis for rejection. Moreover, new claims 91-104 do not represent an obvious variant of the apparatus or RF heating system claimed in U.S. Pat. No. 6,617,557. Withdrawal of the rejection is respectfully requested.

*BEG: J. COOPER 10/20/03
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Rejections under 35 U.S.C. § 102

Claims 1-5, 9, 14-20 and 25-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 97/16492 as evidenced by U.S. Patent No. 6,001,911 to Ishizaki *et al.* Applicants respectfully traverse this rejection.

The Examiner states:

Ishizaki discloses a composition containing the instantly claimed ingredients and amounts and must therefore inherently be "susceptible". See the abstract; column 3, lines 63-68; column 4, lines 1-16; column 10, lines 63-68; column 11, lines 1-31; column 14, lines 55-62; column 30, lines 6-7; column 31, lines 16-17; and the remainder of the document. The abstract shows the polymer to be film forming. It is therefore necessarily useful in coating or bonding since it can obviously bond or coat itself. The polyol is expected to inherently plasticize the polyacrylate. It is therefore also the plasticizer of the instant claims. The limitations of the instant claim 20 are necessarily met since the

composition contains the instantly claimed ingredients and amounts thereof.

Office Action, page 6, line 20, through page 7, line 3.

Claims 1-5, 9, 14-20 and 25-28 have been canceled thus rendering moot this basis for rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. WO 97/16492 does not teach each and every element of claims 91-104. In particular, WO 97/16492 does not teach a composition comprising 0.01 to 5 weight percent of a stabilizer or antioxidant. Therefore, the rejection must be withdrawn.

Other Matters

It is noted that the Examiner-initialed page 11 of the Form PTO-1449, citing U.S. patent documents AA11 through AK11, from the Information Disclosure Statement filed July 10, 2001, was not returned to the Applicants. It is respectfully requested that this Examiner-initialed page 11, indicating the Examiner's consideration of those documents, be returned to Applicants with the next Office communication.

Conclusion

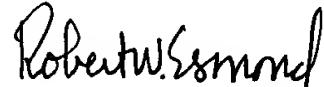
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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